

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Kevin L Norris, Debtor Selene Finance LP as attorney in fact for U.S. Bank, N.A., not in Its Individual Capacity, but Solely as Legal Title Trustee for BCAT 2016-17TT Movant v. Kevin L Norris, Debtor/Respondent WILLIAM C. MILLER, Esq., Trustee/Respondent	Bankruptcy No. 20-14781-elf Chapter 13 Hearing Date: 9:30a.m. Hearing Time: June 22, 2021 Location: Courtroom 1, 900 Market Street, Suite 400 Philadelphia, PA 19107
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MOTION OF Selene Finance LP as attorney in fact for U.S. Bank, N.A., not in Its Individual Capacity, but Solely as Legal Title Trustee for BCAT 2016-17TT FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT Selene Finance LP as attorney in fact for U.S. Bank, N.A., not in Its Individual Capacity, but Solely as Legal Title Trustee for BCAT 2016-17TT TO FORECLOSE ON 831 E PENN PINES BLVD, ALDAN, PA 19018-4310

Secured Creditor, Selene Finance LP as attorney in fact for U.S. Bank, N.A., not in Its Individual Capacity, but Solely as Legal Title Trustee for BCAT 2016-17TT, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor(s), Kevin L Norris, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on December 18, 2020.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and

statutes affecting the jurisdiction of the Bankruptcy Courts generally.

3. On September 8, 2014, Kevin L Norris executed and delivered a Promissory Note (“Note”) and Mortgage (“Mortgage”) securing payment of the Note in the amount of \$96,500.00 to BANK OF AMERICA, N.A. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on September 18, 2014 in Book 05547 at Page 1526 of the Public Records of Delaware County, Pennsylvania. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 831 E PENN PINES BLVD, ALDAN, PA 19018-4310, (“the Property”).
6. A loan modification was entered into on April 1, 2016, creating a new principal balance of \$95,985.92. A true and correct copy of the Agreement is attached hereto as Exhibit “C.”
7. The loan was lastly assigned to U.S. Bank, N.A., not in Its Individual Capacity, but Solely as Legal Title Trustee for BCAT 2016-17TT and same was recorded with the Delaware County Recorder of Deeds on August 9, 2016, as Instrument Number 2016042437. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”
8. Based upon the Debtor(s)’ Chapter 13 Amended Plan (Docket No.13), Debtor intends to cure Secured Creditor's pre-petition arrearages within the Plan and is responsible for maintaining post-petition payments directly to Secured Creditor. A true and correct copy of the Amended Chapter 13 Plan is attached hereto as Exhibit “E.”
9. Debtor has failed to make the monthly payments of principal, interest, and escrow in the

amount of \$979.27 which came due on April 1, 2021 and May 1, 2021, respectively.

10. Thus, Debtor(s)' post-petition arrearage totaled the sum of \$1,073.81 through May 1, 2021. A copy of the payoff and payment history is attached hereto as Exhibit "F".

Principal Balance	\$86,941.96
Deferred Principal Balance	\$948.50
Delinquent Interest	\$2,820.15
Escrow Advance	\$3,492.74
Corporate Advance Balance	\$5,177.06
Late Fees	\$374.29
Recording Fee	\$83.25
Suspense Balance	(\$884.73)
Total Payoff Due	\$98,953.22
2 missed monthly mortgage payments each @ \$979.27 from April 1, 2021 to May 1, 2021	\$1,958.54
Suspense Balance	(\$884.73)
Total Post-Petition Default Due	\$1,073.81

11. According to the Debtor(s)' schedules, the value of the property is \$144,270.00. A true and accurate copy of the Debtor(s)' Schedule D is attached hereto as Exhibit "G."
12. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for "cause" which includes a lack of adequate protection of an interest in property. Sufficient "cause" for relief from the stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.
13. As set forth herein, Debtor has defaulted on his secured obligation as he has failed to make all monthly post-petition installment payments due to Secured Creditor.
14. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable

Court to grant relief from the automatic stay to allow Secured Creditor, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.

15. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit Selene Finance LP as attorney in fact for U.S. Bank, N.A., not in Its Individual Capacity, but Solely as Legal Title Trustee for BCAT 2016-17TT to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: June 3, 2021

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